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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,767	04/01/2004	Randy Salo	000476C1	2795
23696 7590 04/25/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER PRIETO, BEATRIZ	
			ART UNIT	PAPER NUMBER
			2142	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/25/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No. .

10/816,767 .

Applicant(s)

SALO ET AL

Examiner

Prieto B.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR §1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/11/07 has been entered.

2. Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

3. Claims 1, 10, and 17 are rejected under 35 USC 103(a) as being unpatentable over Jammes et. al. (US 6,484,149 B1) (referred to as Jammes hereafter) in view of Gregg et. al. (US 6,516,416 B2) (referred to as Gregg hereafter) in further view of Himmel (US 6,167,441)

Regarding claim 1, Jammes teaches a system as shown on Figs. 1-3, comprising:

the remote device having browser (102) capabilities to accommodate a request inputted by a "subscriber" user to access the "subscriber information" data (col 9/lines 1-8; col 6/lines 17-20, 41-58, user input see col 21/lines 11-14), said a "remote access" device (102) communicated via a "data" network (104) (Fig. 1, col 8/lines 34-41);

a "an application gateway" server (106) hosting the subscriber information (col 12/lines 1-10, col 6/lines 22-30 and information including col 6/lines 66-col 7/line 7), the application gateway server comprising:

a navigation module (350/352) for receiving data in a predetermined (e.g. HTTP and/or URL) format (see Fig. 3, col 17/lines 55-58) and accessing information (called "device specific") associated with said received data (col 9/lines 1-10, col 7/lines 8-17, 30-39, col 12/lines 1-10);

a data module (114) for obtaining (e.g. said subscriber) information requested (325/324 of Fig. 3, col 29/lines 29-38) and passing said subscriber information to the navigation module (Fig. 3, col 9/lines 10-21, 45-51, 65-66, col 8/lines 46-67 and col 16/lines 42-49);

a rendering module for obtaining “requisite browser” displayable data based on desired action (e.g. subscriber’s request) (col 43/lines 55-63) and current state associated with said session (col 50/lines 1-30), including converting (354) requested subscriber information to a format specific to subscriber device specific format e.g. client readable format (col 7/lines 15-65) and

verifying subscriber identity using information inputted by the subscriber, including name, password or cookie (col 49/lines 15-32); however Jammes does not explicitly teach means (“session module”) for maintaining “temporary” data about the subscriber, and where data provided by the rendering module is used by the navigation module to modify said received data for providing to said remote data access;

Gregg disclosure within the invention’s field of endeavor, teaches a hosting server including a session (52) module (col 7/lines 42-47) for maintaining session related data (i.e. “temporary data”) associated with a subscriber’s session(s) (col 5/lines 21-24 & col 11/lines 19-30), and for communicating/interacting with a subscription access server (34) receiving subscriber access requests (col 6/lines 41-45), session data including temporary data regarding a session (col 12/lines 1-13, 60-62); further teaching

a rendering module (74) for obtaining data based on desired action (e.g. apply for a different subscription) and current state (e.g. existing subscriber) (col 8/lines 39-67), the obtained data including browser related data “requisite” (col 36/lines 32-38);

an authentication module associated with said data source module for verifying subscriber credentials (authenticates: col 4/lines 50-54, validates or verifies; col 6/lines 26-31 based on subscriber information “credentials”; col 6/lines 66-col 7/line 27); however Gregg does not teach where data provided by the rendering module is used by the navigation module to modify said received data for providing to said remote data access; AND

Jammes does not teach claim limitation as presently added/amended where the accessed information (called “device specific information”) is about/of the remote access device and the browser type and the reformatting of requested information is the device type and browser type.

Himmel teaches determining both the type of browser and the type of device (e.g. device parameters) and select appropriate data according to the determined browser type and type of device (col. 5, lines 47-col. 6, line 41) taking in account the device type as well as the browser

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type (col 7, lines 54-64), wherein selecting the appropriate data/application includes selecting the appropriate format thereof (col. 7, lines 6-10), where the appropriate format includes dynamically reformatting the page/application according to the device and browser type (col. 7, lines 35-53 including claims 8 through 10 in the Himmel patent).

Himmel teaches determining both the type of browser and the type of device (e.g. device parameters) and select appropriate data according to the determined browser type and type of device (col. 5, lines 47-col. 6, line 41) including

taking in account the device type as well as the browser type (col 7, lines 54-64),

wherein selecting the appropriate data/application includes selecting the appropriate format thereof (col. 7, lines 6-10), where the appropriate format includes dynamically reformatting the page/application according to the device and browser type (col. 7, lines 35-53 including claims 8 through 10 in the Himmel patent).

It would have been obvious to one of ordinary skill in the art to include the teachings of Himmel motivated by his applicability on a variety of applications not limited to web content including many different types of devices, e.g. palmtops, PCs, laptops, WebTV and accommodate a plurality of browsers for modifying the content for the remote access device based on the display capabilities of the device, the languages supported by the browser types. Further selecting template as a set of utilities based on the different device types, such as WebTV client device which have smaller effective display monitor size, as suggested by Himmel.

4. Claims 1-5, 7-9, and 17-21 are rejected under 35 USC 103(a) as being unpatentable over Jammes et. al. (US 6,484,149 B1) (referred to as Jammes hereafter) in view of Gregg et. al. (US 6,516,416 B2) (referred to as Gregg hereafter) in further view of (US 5,987,480) Donohue et. al. (referred to a Donohue hereafter) in further view of Himmel (US 6,167,441)

Regarding claim 1, Jammes teaches a system as shown on Figs. 1-3, comprising:

the remote device having browser (102) capabilities to accommodate a request inputted by a "subscriber" user to access the "subscriber information" data (col 9/lines 1-8; col 6/lines 17-

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20, 41-58, user input see col 21/lines 11-14), said a “remote access” device (102) communicated via a “data” network (104) (Fig. 1, col 8/lines 34-41);

a “an application gateway” server (106) hosting the subscriber information (col 12/lines 1-10, col 6/lines 22-30 and information including col 6/lines 66-col 7/line 7), the application gateway server comprising:

a navigation module (350/352) for receiving data in a predetermined (e.g. HTTP and/or URL) format (see Fig. 3, col 17/lines 55-58) and accessing information (called “device specific”) associated with said received data (col 9/lines 1-10, col 7/lines 8-17, 30-39, col 12/lines 1-10);

a data module (114) for obtaining (e.g. said subscriber) information requested (325/324 of Fig. 3, col 29/lines 29-38) and passing said subscriber information to the navigation module (Fig. 3, col 9/lines 10-21, 45-51, 65-66, col 8/lines 46-67 and col 16/lines 42-49);

a rendering module for obtaining “requisite browser” displayable data based on desired action (e.g. subscriber’s request) (col 43/lines 55-63) and current state associated with said session (col 50/lines 1-30), including converting (354) requested subscriber information to a format specific to subscriber device specific format e.g. client readable format (col 7/lines 15-65) and

verifying subscriber identity using information inputted by the subscriber, including name, password or cookie (col 49/lines 15-32); however Jammes does not explicitly teach means (“session module”) for maintaining “temporary” data about the subscriber, and where data provided by the rendering module is used by the navigation module to modify said received data for providing to said remote data access;

Gregg disclosure within the invention’s field of endeavor, teaches a hosting server including a session (52) module (col 7/lines 42-47) for maintaining session related data (i.e. “temporary data”) associated with a subscriber’s session(s) (col 5/lines 21-24 & col 11/lines 19-30), and for communicating/interacting with a subscription access server (34) receiving subscriber access requests (col 6/lines 41-45), session data including temporary data regarding a session (col 12/lines 1-13, 60-62); further teaching

a rendering module (74) for obtaining data based on desired action (e.g. apply for a different subscription) and current state (e.g. existing subscriber) (col 8/lines 39-67), the obtained data including browser related data “requisite” (col 36/lines 32-38);

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an authentication module associated with said data source module for verifying subscriber credentials (authenticates: col 4/lines 50-54, validates or verifies; col 6/lines 26-31 based on subscriber information "credentials"; col 6/lines 66-col 7/line 27); however Gregg does not teach where data provided by the rendering module is used by the navigation module to modify said received data for providing to said remote data access; AND

Jammes does not teach claim limitation as presently added/amended where the accessed information (called "device specific information") is about/of the remote access device and the reformatting of requested information is particularly "based on the information regarding the user's remote access device".

Donohue teaches a module receiving a data, specifically, receiving requested data for said remote access device retrieved by a script (module) (col 5/lines 63-67);

a module that retrieves (interacts) screen data from a storage, specifically, wherein the "screen" data associated with to said requested data by remote access device is stored in a directory structure storage (col 5/lines 24-51, col 10/lines 17-19) is selected by a script (module) (col 5/lines 63-67), where said screen data selectively corresponding to said requested data by remote access device based on said device specific information (col 10/lines 43-48, col 12/lines 27-38) and using the screen data to reformat said data, thus based on said device specific information (col 9/lines 40-53, wherein particularly screen data including instructions for reformatting (converting) to another "second" format (e.g. image graphics) said data see col 15/lines 30-38). However, Donohue does not explicitly teach reformatting data for the remote access device based on the type of browser in addition to the type of device.

Himmel teaches determining both the type of browser and the type of device (e.g. device parameters) and select appropriate data according to the determined browser type and type of device (col. 5, lines 47-col. 6, line 41) taking in account the device type as well as the browser type (col 7, lines 54-64), wherein selecting the appropriate data/application includes selecting the appropriate format thereof (col. 7, lines 6-10), where the appropriate format includes dynamically reformatting the page/application according to the device and browser type (col. 7, lines 35-53 including claims 8 through 10 in the Himmel patent).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made given the teachings of Donohue stemming from disclosure thereon, and the use of a plurality of scripts implemented in an object-oriented language is suggested to perform the functionalities described thereon, the touted advantages of object-oriented programming, such as modularity, polymorphism, and reuse, which allows development of applications and services in modular manner running on single/multiple node system would be readily apparent to one of ordinary skill in the art. One would be motivated by the teachings of Donohue to apply these to the system in Jammes and thus solve the problem for web sites developers to design web pages compatible with the multiplicity of types of browsers by automatically providing content compatible with the specific type and/or version of the browser used on the client's remote access device reducing the time and inconvenience to the process of browsing the web noted by Donohue in the prior art and support the customization of content to the user.

It would have been obvious to one of ordinary skill in the art to include the teachings of Himmel motivated by his applicability on a variety of applications not limited to web content including many different types of devices, e.g. palmtops, PCs, laptops, WebTV and accommodate a plurality of browsers for modifying the content for the remote access device based on the display capabilities of the device, the languages supported by the browser types. Further selecting template as a set of utilities based on the different device types, such as WebTV client device which have smaller effective display monitor size, as suggested by Himmel.

Regarding claims 2-3, a database associated with said data source module (114 of Fig. 3), wherein said authentication module compares user data with user stored data, said user stored data being stored on said database (Gregg: authenticates: col 4/lines 50-54, validates or verifies; col 6/lines 26-31 based on subscriber information "credentials"; col 6/lines 66-col 7/line 27) and wherein said predetermined format comprises data in URL format (Jammes: Fig. 3, col 17/lines 55-58).

Regarding claim 4, wherein said subscriber information comprises enterprise specific information (Jammes: col 6/lines 32-40 and Gregg: col 1/lines 20-27).

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Regarding claim 5, said navigation module extracts an action request from said data in the predetermined format (Jammes: col 17/lines 55-61), passes the action request to the data source module which retrieves any necessary information based upon the action request (Jammes: col 17/lines 61-col 18/line 15); and said navigation module retrieves a "browser specific screen" data corresponding to the action request from the rendering module (Jammes: col 7/lines 15-65 and Gregg: col 36/lines 32-38).

Regarding claims 7-9, the ability to receive information and data requests in remote access device specific formats and convert said information and data requests into data packets (Jammes: col 7/lines 15-65, col 17/line 61-col 18/line 15) and wherein the data network comprises the Internet (Jammes: col 5/lines 48-52, col 6/lines 14-21), wherein the data network comprises a dedicated network connection (Jammes: col 5/lines 48-52), and wherein the remote access device comprises a personal computer (Gregg: col 9/lines 1-15).

Regarding claim 17, this claim is substantially the same as limitations discussed on claims 1, 3, 10-11, same rationale of rejection is applicable.

Regarding claim 18, wherein verified credentials some reside on a (called "enterprise") database (Gregg: authenticates: col 4/lines 50-54, validates or verifies; col 6/lines 26-31 based on subscriber information "credentials"; col 6/lines 66-col 7/line 27).

Regarding claims 19-20, substantially the same as limitations in claims 1, 3, 10-11, same rationale of rejection is applicable and wherein said navigation module parses said URL subscriber request into identifiable segments, at least one segment comprising a requested action (Jammes; col 17/lines 55-col 18/line 5).

Regarding claim 21, this claim is substantially the same as claim 4, discussed above, same rationale of rejection is applicable.

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5. Claims 10-16 are rejected under 35 USC 103(a) as being unpatentable over Jammes in view of Gregg in further view of Donohue and Himmel.

Regarding claim 10, as discussed on claim 1, same rationale is/are applicable, further comprising the steps of

receiving a "subscriber information" request in a predetermined format (e.g. HTTP and/URL) (Jammes: see Fig. 3, col 17/lines 55-58);

"navigating the access and transmission" parsing or scanning and/or analyzing the requested subscriber information (Jammes; col 17/lines 55-col 18/line 5),

said transmission of the requested subscriber information being in a "subscriber device specific" predetermined format (Jammes: see Fig. 3, col 17/lines 55-58); said access and transmission navigating step comprising:

"compiling" gathering or collecting subscriber information based on said subscriber information request (Gregg: col 8/lines 39-67 and col 36/lines 32-38);

"assembling" processing and displaying said subscriber information into a "device specific format" associated with the subscriber device, wherein said predetermined format for said subscriber information request differs from said subscriber device specific predetermined format (Jammes: device specific format conversion col 7/lines 15-65 and browser type data col 36/lines 32-38); and

transmitting the assembled and rendered subscriber information to said subscriber device (Jammes: col 20/lines 45-col 21/lines 64, rendering accessed/retrieved content, col 6/lines 40-45) and

retrieving screen data based on the said subscriber information request (Donohue: col 5/lines 24-51) including wherein the "screen" data corresponding to said requested data by remote access device is stored in a directory structure storage (col 5/lines 24-51, col 10/lines 17-19) is selected by a script (module) (col 5/lines 63-67).

Regarding claim 11, a database associated with said data source module (114 of Fig. 3), wherein said authentication module compares user data with user stored data, said user stored data being stored on said database (Gregg: authenticates: col 4/lines 50-54, validates or verifies; col 6/lines

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26-31 based on subscriber information “credentials”; col 6/lines 66-col 7/line 27) and wherein said predetermined format comprises data in URL format (Jammes: Fig. 3, col 17/lines 55-58).

said navigation module extracts an action request from said data in the predetermined format (Jammes: col 17/lines 55-61), passes the action request to the data source module which retrieves any necessary information based upon the action request (Jammes: col 17/lines 61-col 18/line 15); and said navigation module retrieves a “browser specific screen” data corresponding to the action request from the rendering module (Jammes: col 7/lines 15-65 and Gregg: col 36/lines 32-38).

Regarding claim 12, parsing said subscriber information into an action task and a page specific task, and compiling content data based on the information identified on the parsing step (Jammes; col 17/lines 55-col 18/line 5).

Regarding claim 13, verifying user credentials using information maintained with subscriber information at a (called local) database (Gregg: authenticates: col 4/lines 50-54, validates or verifies; col 6/lines 26-31 based on subscriber information “credentials”; col 6/lines 66-col 7/line 27).

Regarding claims 14 and 16, wherein said subscriber information comprises enterprise specific information (Jammes: col 6/lines 32-40 and Gregg: col 1/lines 20-27).

Regarding claim 15, compiling comprises seeking requested information from a (“local”) database (Jammes; col 17/lines 55-col 18/line 5).

Response to Arguments

6. Regarding claims 1, 10 and 17, it is argued (p. 8-9 of remarks) that the applied reference do not teach what is now claimed. Specifically, using both the type of browser and the type of device to select the template and format the information for the remote access device.

In response to the above-mentioned argument, applicant's interpretation of the applied references has been fully considered. In accordance with the specification, "screen specific data" may include a title, graphics, and other information, which user data may include, for example, telephone numbers, addresses, priority levels, and so forth [0074].

An inventor may define specific terms used to describe invention, but must do so "*with reasonable clarity, deliberateness, and precision*" and, if done, must "set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning (see MPEP 2111.01(III)). However, in absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art. Where an explicit definition is provided by the applicant for a term, *that definition will control interpretation of the term as it is used in the claim*. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed.Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings.").

Exemplary embodiments and/or descriptions do not constitute a controlling definition, which set forth "*with reasonable clarity, deliberateness, and precision*" stating the meaning of term described in the specification as "screen specific data".

In *absence of an express intent* to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art. Since there was no definition given for the term "screen data" in the specification, the term should be given its broadest reasonable interpretation and take on the ordinary and customary meaning attributed to it by those of ordinary skill in the art, E-Pass Technologies, Inc. v. 3Com Corporation, 343 F.3d 1364, 1368, 67 USPQ2d 1947, 1949 (Fed.

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Cir. 2003). In this case, the claim term "screen data" has been applied the broadest reasonable interpretation in light of the specification, and thereby was held to encompass "data" or "information".

Himmel teaches determining both the type of browser and the type of device (e.g. device parameters) and select appropriate data according to the determined browser type and type of device (col. 5, lines 47-col. 6, line 41) including taking in account the device type as well as the browser type (col. 7, lines 54-64), wherein selecting the appropriate data/application includes selecting the appropriate format thereof (col. 7, lines 6-10), where the appropriate format includes dynamically reformatting the data (e.g. page/application) according to the device and browser type (col. 7, lines 35-53 including claims 8 through 10 in the Himmel patent).

7. All applicant's arguments have been fully considered but not found persuasive.

Citation of Pertinent Art:

8. The following prior art made of record and considered pertinent to applicant's disclosure. References which whether they constitute prior art or do not qualify as prior art may be relied upon to show the level of ordinary skill in the art at or around the time the invention was made. The references may be relevant to establishing a motivation to combine which is implicit in the knowledge of one of ordinary skill in the art (see MPEP §2141.02). Copies of Non-Patent Literature documents cited will be provided as set forth in MPEP § 707.05(a):

(US 6,519,617): Wanderski et. al. teaches reformatting the data for the remote access device based on specific user context, where the user context information may include user-related preferences as well as various limitations, such as: who this user is; what type of network connection he is currently using (e.g. whether his connection may be limited in bandwidth); and ***what type of device and browser the user is currently using.***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Thursday from 5:30 to 2:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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B. Prieto
Primary Examiner
TC 2100
April 18, 2007


BEATRIZ PRIETO
PRIMARY EXAMINER